

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

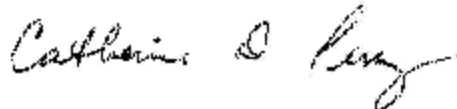
UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:06CR40 CDP  
 )  
 MARKEL SIMMS, )  
 )  
 Defendant. )

**ORDER**

This matter is before the Court on the motion of defendant to suppress evidence and statements. Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge David D. Noce. Judge Noce entered his report and recommendation on February 23, 2006, recommending that the motion to suppress be denied as moot, since defendant withdrew it. Defendant has not objected to the recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [#22] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that defendant's motion to suppress evidence and statements [#19] is denied.



\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 7th day of March, 2006.

